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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,604	07/07/2003	Naomi M. Jenkins	2000.107500/TT5487	7792

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EXAMINER

VO, HIEN XUAN

ART UNIT PAPER NUMBER

2863

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,604

Applicant(s)

JENKINS ET AL.

Examiner

Hien X. Vo

Art Unit

2863

[Signature]

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-8, 13, 14, 16-18, 22, 23, 26, 27, 31-33, 38, 39, 42-44, 46 and 49 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 9-12, 15, 19-21, 24, 25, 28, 29, 34-37, 40, 41, 45, 47, 48 and 50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement..

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 6-8, 13-14, 16-18, 22-23, 26-27, 31-33, 38-39, 42-44, 46, 49 rejected under 35 U.S.C. 102(e) as being anticipated by Stoddard et al. (U.S. patent No. 6,587,744).

With respect to claims 1, 13, 16, 38, 44, Stoddard et al. disclose the automated run-to-run controller for controlling manufacturing processes including performing a process step upon a batch of workpieces using a processing tool (see e.g. col. 1, lines 15-19 and 30-32); performing a tool state analysis upon said processing tool (see e.g. col. 5, lines 20-35); and performing a dynamic metrology routing adjustment process based upon said tool state analysis (see e.g. Fig.2 and col. 5, lines 1-39), said dynamic metrology routing adjustment process comprising correlating the tool state analysis to the batch of workpieces and adjusting a metrology routing based upon said correlation (see e.g. col. 5, lines 40-67).

With respect to claims 2-3, 14, 18, 23, 39, 43, Stoddard et al. disclose the invention as claimed including the process step upon the batch of workpieces further comprises performing said process step upon a batch of semiconductor wafers (see e.g. col. 1, lines 20-23), the tool state analysis upon said processing tool further comprises acquiring tool state data (see e.g. col. 5, lines 20-40).

With respect to claims 6-8, Stoddard et al. disclose the invention as claimed including a fault detection analysis relating to said processing of said batch and determining at least one fault relating to an operation performed by said processing tool (see e.g. col. 4, lines 40-49).

With respect to claims 17, 22, 42, disclose the invention as claimed including a processing tool to process a batch of workpieces (see e.g. col. 1, lines 20-25); and a process controller operatively coupled to perform a tool state analysis upon said processing tool and to perform a dynamic metrology routing adjustment process based upon said tool state analysis, said dynamic metrology routing adjustment process comprising correlating said tool state analysis to said batch of workpieces and adjusting a metrology routing based upon said correlation (see e.g. col. 2, lines 20-35).

Claims 26-27, 46, 49 are method claims corresponding to apparatus claims 1, 13, 16. Therefore, claims 26-27, 46, 49 are rejected for the same rationales set forth for claims 1, 13, 16.

2. Claims 4-5, 9-12, 15, 19-21, 24-25, 28-29, 34-37, 40-41, 45, 47-48, 50 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

Art Unit: 2863

independent form including all of the limitations of the base claim and any intervening claims.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hien X. Vo whose telephone number is (571) 272-2282.

The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hien Vo
01/07/06


John Barlow
Supervisory Patent Examiner
Technology Center 2800